

Title 11 Natural Resources
Part 6 Lands
Chapter 96 Miscellaneous Land Use
Article 1 Provisions for General Land Use Activity

11 AAC 96.016. Designated public use areas

(a) This section addresses management of sites and areas of state land, or interests in land, that have been designated under [AS 41.23](#) as public use areas. Unless otherwise provided in (b) of this section, special requirements applicable to designated public use areas are in addition to requirements applicable to state land under [AS 38](#), [AS 41.23](#), and this title.

(b) Within areas designated under [AS 41.23](#) as public use areas,

(1) a permit or other written authorization is required for an activity listed in 11 AAC [96.010](#);

(2) commercial recreation uses and activities involving generally allowed uses under 11 AAC [96.020](#) are subject to registration under 11 AAC [96.018](#);

(3) unless otherwise prohibited in (c) of this section, the land uses and activities listed in 11 AAC [96.020](#), alone or in combination, are generally allowed uses without any permit or other written authorization from the department, except that a land use or activity for a commercial recreation purpose requires prior registration under 11 AAC [96.018](#); and

(4) a person may not engage in the commercial harvest of non-timber forest products without a permit under 11 AAC [96.035](#).

(c) Within the Knik River public use area as described in [AS 41.23.230](#) ,

(1) a person may not leave a vehicle unattended for more than 72 hours;

(2) a person may not transport a non-functional vehicle into the area;

(3) a person may not operate a vehicle in excess of 10,000 pounds curb weight for private or commercial activity without prior written authorization from the department;

(4) a person may not operate a vehicle in a manner that results in disturbance of wetlands or the organic mat to a depth greater than six inches without prior written authorization from the department; in this paragraph,

(A) "organic mat" has the meaning given in 11 AAC [95.900](#);

(B) "wetlands" means those environments characterized by rooted vegetation that is partially submerged either continuously or periodically by surface freshwater with less than 0.5 parts per thousand salt content and not exceeding three meters in depth;

(5) an open fire is subject to the requirements of 11 AAC [95.410](#) and 11 AAC [95.450](#); a person may not have an open fire larger than four feet in diameter except on open and non-vegetated areas at least 100 feet from forested land without prior written authorization from the department;

(6) a person may not burn or cause to burn a wooden pallet, a vehicle, a structure, household or commercial refuse, construction debris, or non-naturally occurring materials;

(7) a person may not place, dump, or discard waste or refuse;

- (8) a person may not place, dump, discard, or release hazardous substances, including those contained within appliances, batteries, automotive fluids, and electronic devices; in this paragraph, "hazardous substance" has the meaning given in [AS 46.03.826](#) ;
- (9) a person may not construct or maintain a structure other than a temporary structure authorized under this chapter, and may not abandon a structure;
- (10) a person may not cut, collect, or harvest a dead standing or live tree without prior written authorization from the department; in this paragraph, "tree" means a woody perennial plant with a single, well-defined stem, a definite crown shape, and a diameter at breast height of five inches or greater;
- (11) subject to 11 AAC [96.020\(a\)](#) (5)(E), a person may not erect a camp, structure, or facility, whether occupied or unoccupied, for more than 14 consecutive days for private personal use without prior written authorization from the department, and must move the camp, structure, or facility and all equipment at least two miles away at the end of the 14-day period; a person may not relocate a camp, structure, or facility to a site within two miles of the initial site for at least 96 consecutive hours;
- (12) a person may not, without prior written authorization from the department, discharge a firearm for purposes of target practice at a
- (A) target other than one made from wood, paper, clay, or like material; or
 - (B) tree or other plant, whether live or dead, or at a target affixed to or placed on a tree or other plant;
- (13) a person may not discharge a firework;
- (14) except for the purposes of lawful hunting or trapping, a person may not discharge a firearm on or within the following without prior written authorization of the department:
- (A) within one-quarter mile of the Maude Road extension, Old Glenn Highway, Knik River Road, or the Rippy Trail, as depicted on the department's map entitled *Recreational Shooting Restrictions within the KRPUA & Knik River SUA*, dated June 30, 2008 and adopted by reference;
 - (B) within one-quarter mile of the Knik Glacier Trail (RST 17) or the line of ordinary high water of the Knik River west of the north-south township line between Township 16 North, Range 3 East and Township 16 North, Range 4 East, Seward Meridian that corresponds to 148 degrees, 49 minutes, 8.59 seconds west longitude, as depicted on the map entitled *Recreational Shooting Restrictions within the KRPUA & Knik River SUA*, adopted by reference in (A) of this paragraph;
 - (C) on the bed of the Knik River west of the north-south township line between Township 16 North, Range 3 East and Township 16 North, Range 4 East, Seward Meridian that corresponds to 148 degrees, 49 minutes, 8.59 seconds west longitude, as depicted on the map entitled *Recreational Shooting Restrictions within the KRPUA & Knik River SUA*, adopted by reference in (A) of this paragraph; in this subparagraph, "bed" means the area within the lines of ordinary high water on each side of the water body;
 - (D) within one-quarter mile of a developed facility, unless the developed facility is specifically designated for the discharge of firearms;
- (15) except for the purposes of lawful hunting, fishing, and trapping, a person may not repeatedly approach fish or wildlife in a manner that results in the animal altering its behavior;
- (16) a person may not construct, develop, improve, widen, brush, or otherwise create a road or trail without prior written authorization from the department; and

(17) a person may not damage, deface, destroy, or remove public property, or property leased or rented by the department or local government.

(d) Within the Knik River public use area as described in [AS 41.23.230](#) , a person who fails to obtain or comply with the terms, conditions, or limitations of a permit required under (b)(1) or (4) of this section or registration required under (b)(2) of this section, or who engages in a use or activity prohibited under (c) of this section is subject to citation and penalty under [AS 41.23.220](#) .

History: Eff. 11/9/2008, Register 188; am 12/27/2012, Register 204

Authority: [AS 38.04.200](#)

[AS 38.05.020](#)

[AS 38.05.035](#)

[AS 38.05.300](#)

[AS 38.05.850](#)

[AS 41.23.020](#)

[AS 41.23.030](#)

[AS 41.23.060](#)

[AS 41.23.070](#)

[AS 41.23.110](#)

[AS 41.23.120](#)

[AS 41.23.150](#)

[AS 41.23.160](#)

[AS 41.23.190](#)

[AS 41.23.200](#)

[AS 41.23.210](#)

[AS 41.23.220](#)

11 AAC 96.018. Uses requiring registration

(a) Entry will be permitted under 11 AAC [96.020](#) as a generally allowed use for commercial recreation purposes on a day-use basis with no camp or facility, whether occupied or unoccupied, that remains overnight, and including landing commercial recreation clients on state land by aircraft or watercraft other than at an airport or harbor managed by a municipality or by the Department of Transportation and Public Facilities, if the operator complies with the following requirements:

(1) registering with the department before the use each calendar year;

(2) providing information required by the department, including the name of the business, type of activity, geographic area, number of clients served, number of visitor days, number of days in operation, and means of access to and from the area; and

(3) paying a registration fee as required by 11 AAC [05.010\(a\)](#) .

(b) Registering a use of state land

(1) is not a disposal of an interest in land; and

(2) does not grant a preference right to a lease or other disposal.

History: Eff. 12/7/2002, Register 164

Authority: [AS 38.05.020](#)

[AS 38.05.035](#)

[AS 38.05.850](#)

11 AAC 96.020. Generally allowed uses

(a) A permit or other written authorization is required for uses and activities not appearing on the list in this subsection. Unless otherwise provided in (b) of this section, in a special use land requirement in 11 AAC [96.014](#), or in a public use area land requirement under 11 AAC [96.016](#), the following land uses and activities, alone or in combination, are generally allowed uses on state-owned public domain land without any permit or other written authorization from the department, except that a land use or activity for a commercial recreation purpose requires prior registration under [11 AAC 96.018](#):

(1) travel or travel-related activities, as follows:

(A) hiking, backpacking, skiing, climbing, or other foot travel;

(B) bicycling;

(C) travel by horse or dogsled or with pack animals;

(D) using a highway vehicle with a curb weight of up to 10,000 pounds, including a pickup truck and four-wheel-drive vehicle, on or off an established road easement, if the use off the road easement does not cause or contribute to water quality degradation, alteration of drainage systems, significant rutting, ground disturbance, or thermal erosion;

(E) using a recreational-type off-road or all-terrain vehicle with a curb weight of up to 1,500 pounds, including a snowmobile and four-wheeler, on or off an established road easement if use off the road easement does not cause or contribute to water quality degradation, alteration of drainage systems, significant rutting, ground disturbance, or thermal erosion;

(F) landing an aircraft or using watercraft without damaging the land, including shoreland, tideland, and submerged land;

(G) driving livestock, including any number of reindeer or up to 100 horses, cattle, or other domesticated animals;

(2) access improvements, as follows:

(A) brushing or cutting a trail less than five feet wide using only hand-held tools such as a chainsaw; making a trail does not create a property right or interest in the trail;

(B) anchoring a mooring buoy in a lake, river, or marine waters, or placing a float, dock, boat haulout, floating breakwater, or boathouse in a lake, river, or marine waters, for the personal, noncommercial use of the upland owner, if the use does not interfere with public access or another public use, and if the improvement is placed within the projected sidelines of the contiguous upland owners parcel or otherwise has the consent of the affected upland owner; in this subparagraph,

(i) "float" or "dock" means an open structure without walls or roof that is designed and used for access to and from the water rather than for storage, residential use, or other purposes;

(ii) "boat haulout" means either a rail system, at ground level or elevated with pilings, or a line attached from the uplands to an anchor or mooring buoy;

(iii) "floating breakwater" means a structure, including a log bundle, designed to dissipate wave or swell action;

(iv) "boathouse" means a structure designed and used to protect a boat from the weather rather than for other storage, residential use, or other purposes;

(3) removing or using state resources, as follows:

(A) hunting, fishing, or trapping, or placement of a crab pot, shrimp pot, herring pound, or fish wheel; nothing in this subparagraph relieves a person from complying with applicable state and federal statutes and regulations on the taking of fish and game;

(B) harvesting wild plants, mushrooms, berries, and other plant material for personal, noncommercial use; however, the cutting of trees is not a generally allowed use under this subparagraph;

(C) using dead and down wood for a cooking or warming fire, unless the department has closed the area to fires during the fire season;

(D) grazing no more than five domesticated animals;

(E) recreational gold panning;

(F) hard-rock mineral prospecting or mining using light portable field equipment, including a hand-operated pick, shovel, pan, earth auger, or a backpack power drill or auger;

(G) suction dredging using a suction dredge with a nozzle intake of six inches or less, powered by an engine of 18 horsepower or less, and pumping no more than 30,000 gallons of water per day;

(4) other improvements and structures on state land, as follows:

(A) setting up and using a camp for personal, noncommercial recreational purposes, or for any non-recreational purpose, including as a support camp during mineral exploration, for no more than 14 days at one site, using a tent platform or other temporary structure that can readily be dismantled and removed, or a floathouse that can readily be moved; the entire camp must be moved at least two miles before the end of the 14-day period; a cabin or other permanent improvement is not allowed, even if on skids or another nonpermanent foundation; the camp must be removed immediately if the department determines that it interferes with public access or other public uses or interests;

(B) brushing or cutting a survey line less than five feet wide using only hand-held tools, including a chainsaw, or setting a survey marker; however, a survey monument may not be set without written survey instructions issued under 11 AAC 53;

(C) placing a residential sewer outfall into marine waters from a contiguous privately owned upland parcel, with the consent of the affected parcel owners, if the outfall is within the projected sidelines of the contiguous upland parcel and

is buried to the extent possible or, where it crosses bedrock, secured and covered with rocks to prevent damage; nothing in this subparagraph relieves a person from complying with state and federal statutes and regulations applicable to residential sewer outfalls;

(D) placing riprap or other suitable bank stabilization material to prevent erosion of a contiguous privately owned upland parcel if

(i) no more than one cubic yard of material per running foot is placed onto state shoreland; and

(ii) the project is otherwise within the scope of the United States Army Corps of Engineers Nationwide Permit 13 (Bank Stabilization), as set out in 67 Fed. Reg. 2,020 - 2,095, dated January 15, 2002 and adopted by reference;

(5) uses not listed in (1) - (4) of this subsection that

(A) are not conducted for a commercial recreational purpose;

(B) are not listed in 11 AAC [96.010](#);

(C) do not cause or contribute to significant disturbance of vegetation, drainage, or soil stability;

(D) do not interfere with public access or other public uses or interests; and

(E) do not continue for more than 14 consecutive days at any site; moving the use to another site at least two miles away starts a new 14-day period.

(b) The list of generally allowed uses in (a) of this section does not

(1) apply to land withdrawn from the public domain and no longer managed under [AS 38](#), including a state park and land owned by the University of Alaska;

(2) exempt a user from complying with other applicable federal, state, or municipal statutes, ordinances, and regulations; or

(3) authorize a use if another person has already acquired an exclusive property right to undertake that use.

(c) In order to operate under a generally allowed use listed in this section, the user must comply with the conditions set out in 11 AAC [96.025](#).

(d) If the department determines that, under the circumstances of a particular case, an otherwise generally allowed use interferes with public access or other public uses or interests, the use must cease.

History: Eff. 1/1/70, Register 31; am 12/7/2002, Register 164; am 11/9/2008, Register 188

Authority: [AS 38.05.020](#)

[AS 38.05.035](#)

[AS 38.05.850](#)

Editor's note: As of Register 208 (January 2014), the regulations attorney made a technical revision under [AS 44.62.125](#) (b)(6), to the history note of 11 AAC [96.020](#), to reflect the actual register number 31.

11 AAC 96.025. Conditions for generally allowed uses

A generally allowed use listed in 11 AAC [96.020](#) is subject to the following conditions:

- (1) activities employing wheeled or tracked vehicles must be conducted in a manner that minimizes surface damage;
- (2) vehicles must use existing roads and trails whenever possible;
- (3) activities must be conducted in a manner that minimizes
 - (A) disturbance of vegetation, soil stability, or drainage systems;
 - (B) changing the character of, polluting, or introducing silt and sediment into streams, lakes, ponds, water holes, seeps, and marshes; and
 - (C) disturbance of fish and wildlife resources;
- (4) cuts, fills, and other activities causing a disturbance listed in (3)(A) - (C) of this section must be repaired immediately, and corrective action must be undertaken as may be required by the department;
- (5) trails and campsites must be kept clean; garbage and foreign debris must be removed; combustibles may be burned on site unless the department has closed the area to fires during the fire season;
- (6) survey monuments, witness corners, reference monuments, mining location posts, homestead entry corner posts, and bearing trees must be protected against destruction, obliteration, and damage; any damaged or obliterated markers must be reestablished as required by the department under [AS 34.65.020](#) and [AS 34.65.040](#) ;
- (7) every reasonable effort must be made to prevent, control, and suppress any fire in the operating area; uncontrolled fires must be immediately reported;
- (8) holes, pits, and excavations must be repaired as soon as possible; holes, pits, and excavations necessary to verify discovery on prospecting sites, mining claims, or mining leasehold locations may be left open but must be maintained in a manner that protects public safety;
- (9) on lands subject to a mineral or land estate property interest, entry by a person other than the holder of a property interest, or the holder's authorized representative, must be made in a manner that prevents unnecessary or unreasonable interference with the rights of the holder of the property interest.

History: Eff. 12/7/2002, Register 164

Authority: [AS 38.05.020](#)

[AS 38.05.035](#)

[AS 38.05.130](#)

[AS 38.05.131](#)

[AS 38.05.133](#)

[AS 38.05.850](#)

11 AAC 96.030. Application

(a) An application for a permit under 11 AAC [96.010](#) must be accompanied by the nonrefundable application fee required by 11 AAC [05.010\(a\)](#) . The application must contain the following information in sufficient detail to allow evaluation of the planned activities' effect on the land:

(1) except if the application is for a limited non-timber forest product commercial harvest permit, a map at a sufficient scale showing the general location of all activities and routes of travel of all equipment for which a permit is required;

(2) a description of the proposed activity, any associated structures, and the type of equipment that will be used.

(b) Repealed 8/6/94.

(c) The department will give notice to an upland owner of an application involving shoreland, tideland, or submerged land adjacent to the upland owner's property. The department may give public notice of any application. As part of public notice, the department may include publication in a newspaper of local or statewide circulation or on the Alaska Online Public Notice System developed under [AS 44.62.175](#). The applicant must pay any advertising costs for a published public notice.

History: Eff. 1/1/70, Register 31; am 8/6/94, Register 131; am 12/7/2002, Register 164; am 8/31/2008, Register 187

Authority: [AS 38.05.020](#)

[AS 38.05.035](#)

[AS 38.05.850](#)

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